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SUBJECT: JUSTICE MINISTER ON ILAC REPORT, BWINDI
DEFENDANTS, LEGAL CODES

Classified By: Ambassador Michael R. Arietti, reason 1.4 (B/D)

¶1. (C) Summary. Ambassador met February 4 with Minister of Justice Tharcisse Karugarama. The Minister expressed strong reservations about the justice sector survey conducted by the International Legal Assistance Consortium (ILAC), saying it was not a proper basis for a fund-raising efforts, as not coordinated with existing donor programs. In inquiring about the status of the Bwindi defendants, he expressed regret at the U.S. judge's suppression of their confessions, but suggested that Rwanda could proceed with prosecution if they were returned to Rwanda. He welcomed help in putting draft anti-terrorism legislation into final form, and said the draft penal code would might be ready by the end of the year. The great majority of genocide cases before the regular courts would be transferred to the gacaca traditional courts, he said, with only a small number involving the very senior genocide leadership retained by the regular courts. End summary.

¶2. (C) In a February 4 meeting with the Ambassador, Karugarama began by expressing strong reservations about the ILAC review of the justice sector, saying it had been poorly coordinated with existing donor programs, and was not up to date on the actual state of justice sector reforms. It was too broad an assessment, he said, and a more narrow focus on ICTR case transfer requirements would have been more helpful, he said. The GOR did not want fund-raising to be conducted on the basis of the ILAC report, he said. He felt that many improvements needed to enable the transfer of cases from Arusha to Kigali had already been met. The GOR might need help in making its case arguments before the ICTR panel examining applications for transfers to Rwanda. The Minister promised to send a list of case transfer needs to the Mission.

¶3. (C) The Minister next inquired about the status of the three Bwindi defendants, currently detained by Homeland Security following the dismissal of the criminal case against them for the murder of several American citizens in Uganda in the late 1990s. Ambassador noted that the Mission awaited instructions on the possibility of seeking assurances from the Rwandan government, to govern any prosecution by the GOR. The Minister expressed regret at the suppression of the three men's confessions by the American judge. The Ambassador asked whether the Ministry of Justice thought that the prosecution could argue the case of the confessions obtained prior to transfer to the U.S. were not allowed. The Minister said that if there was corroborating evidence for the confessions, Rwanda could likely proceed. He also commented that Uganda still had jurisdiction in the matter, should the Ugandans wish to exercise it. The Ambassador replied that the USG had explored Ugandan prosecution of the case without notable success. The Minister then noted that Rwanda had signed and ratified the International Convention Against Torture, but was unsure if his government had yet

registered the instrument of accession.

¶4. (SBU) Regarding various pieces of legislation, the Minister said that the GOR had taken donor comments into account in drafting anti-terror legislation, but would welcome additional assistance in preparing the draft texts. He promised to send the Mission the latest draft.

¶5. (SBU) On the draft penal code, he thought the text might be passed into law by the end of the year; the Ambassador expressed strong support for the comprehensive anti-trafficking-in-persons sections of the draft code. Qanti-trafficking-in-persons sections of the draft code.

¶6. (C) On gacaca courts (traditional courts trying genocide cases), he said new legislation would transfer the great majority of remaining category one cases from the regular courts to gacaca courts, which would use the "most effective judges" from the 3000-odd panels that had been trying cases. He commented that a special gacaca review body based at the headquarters of the Gacaca Service in Kigali was currently examining a small number of cases in which miscarriages of justice may have occurred. A very small number of cases concerning the senior genocide planners would be tried in the regular courts.

¶7. (SBU) On the draft media law, he said there was some disagreement within the cabinet on the current text, which was in a very "raw" form.

ARIETTI